



THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

ANDERSEN et al

Art Unit: 1653

Serial Number: 09/581,511

Examiner: D. Lukton

Filed: October 6, 2000

Atty. Docket No. 108281-00000

For: HEMIASTERLIN ANALOGS

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2-2-02

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patent
Washington, D.C. 20231

January 18, 2002

Sir:

In response to the Office Action mailed September 18, 2001, the applicants hereby elect Group I, with traverse. Furthermore, for an elected species, the applicants elect compound SPA 110, the structure of which will be found on page 29 of the specification. This compound is covered by all claims in the elected Group I, with the exception of claims 8 and 9.

This application was filed under 35 USC 371, and accordingly the PCT unity of invention rules apply. The Examiner's attention is directed to the fact that no unity of invention objection was raised during the International phase, as will be reflected by the International Search Report and International Preliminary Examination Report earlier submitted.

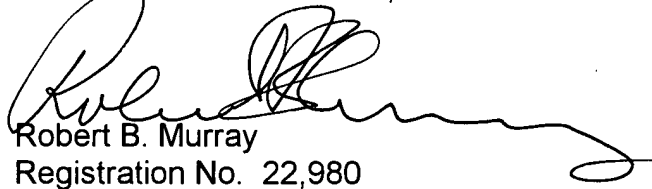
The Examiner's attention is directed to 35 CFR 1.475 and 1.499, which should govern the unity of invention determination in the present case. In particular, it will be noted that 35 CFR 1.475 indicated that unity of invention is not lacking simply because the

application contains claims directed to a product and a process for making the product. This is the case with Groups I and II of the present restriction requirement, so that the separation of these two Groups appears to be erroneous. Furthermore, since Groups III and IV were found in the international phase to involve no unity of invention problems, it is believed that the U.S. Patent and Trademark Office should provide full faith and credit to the international phase. Accordingly, it is requested that the Restriction Requirement be totally withdrawn.

Early and favorable action on the merits is awaited.

In the event any fees are required, please charge our Deposit Account No. 01-2300.

Respectfully submitted,
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